



# **Arkansas Secretary of State**

## **Implementation Plan for the Help America Vote Act (HAVA)**

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## **Introduction**

As Secretary of State, it is my pleasure to present Arkansas's plan for implementation of the Help America Vote Act. As required by Public Law 107-252, this document represents a long-range plan for implementation of various election improvements in the state.

The Help America Vote Act represents a significant shift in the administration of elections to the state level and mandates improvements in almost every area of the election process—from voter registration to equipment used at the polls.

Arkansas considers the mandates of HAVA an opportunity to build on a successful system of elections. Much thought was given early in the planning process to involve local election officials and other members of the election community in strategic direction as well as implementation of HAVA mandates. As a result of many months of communication and planning, we have arrived at a plan that we feel is in the best interest of Arkansas's voting public.

In 2003, the Arkansas General Assembly passed Acts 994 and 995 to put the state in compliance with the provisions of Public Law 107-252. A committee of stakeholders met to discuss various elements of these acts and the broad requirements of HAVA. During the planning process, the committee discussed various options available to meet HAVA mandates contingent on the level of federal funding available over the next three years.

As chief election official, it is my pledge to work with the local election officials and other state election officials to make HAVA's goals a reality in this state. The State Board of Election Commissioners, county election commissions, county clerks, and county election coordinators will each have a role in implementing various provisions of this plan. The state will provide communication, education, and leadership, as well as support, to each of these entities to ensure full compliance with HAVA in Arkansas.

The State of Arkansas looks forward to this exciting and historic opportunity to affect significant improvements to the elections process.

Charlie Daniels  
Arkansas Secretary of State

## **Use of Requirements Payments**

*(1) How the State will use the requirements payments to meet the requirements of Title III, and, if applicable under section 251(a)(2), to carry out other activities to improve the administration of elections.*

Title III contains the following requirements:

### ***I. VOTING SYSTEMS STANDARDS***

#### **General Requirements**

HAVA requires the states to have in place by January 1, 2006, voting systems that meet the standards set out in Section 302 of the Act. Voting systems include punch card equipment, lever voting machines, optical scan machines, direct read electronic voting devices (DRE's) and paper ballots counted by hand. HAVA does not ban any type of voting system presently in use, but the standards set out in Section 302 are most easily met by DRE's.

HAVA requires that any voting system in use after January 1, 2006 must:

1. Permit the voter to verify the vote before the ballot is cast and counted;
2. Provide the voter with an opportunity to change the ballot or correct an error, including the opportunity for a replacement ballot in paper ballot counties;
3. Privately notify the voter of an overvote, the effect of an overvote, and an opportunity to correct the overvote.

#### **Audit Requirements**

In addition, each voting system must produce a permanent paper record for audit purposes that is capable of manual audit, and the voting system must allow the voter to change a vote before the paper record is finalized.

#### **Accessibility Requirements**

The state must also ensure that its voting systems are accessible for individuals with disabilities "in a manner that provides the same opportunity for access and participation ... as for other voters." Section 301(a)(3)(A).

Some counties may be required to offer Spanish language accessibility.

## **Other Requirements**

Finally, voting equipment used in the state must comply with the error rate standards set by the Federal Election Commission that were in effect on October 29, 2002. The state must also have a uniform and nondiscriminatory definition for what constitutes a vote.

### ***How the State will use the requirements payments to meet the requirements of Title III relating to voting systems standards.***

The Title III requirements are most easily and efficiently met by direct read electronic (DRE) voting machines. Only five counties currently use DRE's in Arkansas, and whether the machines in some of those counties meet the requirements of Title III has not yet been determined. An additional 46 counties in Arkansas use optical scan ballots that are tabulated in a central location. Three counties use optical scan ballots that are tabulated at the polling sites, and 8 counties use paper ballots that are counted by hand. The 13 counties that use lever machines or punch card systems will have those systems replaced with a combination precinct-count optical scan and DRE voting system solution OR a full DRE voting system solution depending on county needs, preference and available dollars using Title I funds and supplemented with a percentage of Title II funds.

Arkansas's preference with regard to compliance with Title III voting system requirements is to use requirements payments, local funds (if necessary) and state funds (if possible) to purchase uniform, Title III compliant voting systems for each county in the state

There is a great deal of uncertainty, though as to the availability of sufficient ~~federal~~ state and local funds to meet this goal. Also, it may require legislation to mandate the use of uniform systems. Alternatively, then, the State may use requirements payments to purchase at least one DRE for each polling site in those counties to meet accessibility requirements. If the necessary funding or legislation is not in place to implement a uniform electronic voting system, the State may use requirements payments to establish a voter education program for those counties with paper ballots counted by hand and central tabulation equipment.

## ***II. PROVISIONAL VOTING***

HAVA requires that when a voter goes to a polling place and the voter's name does not appear on the precinct list, the following procedure is required:

1. The poll worker notifies the voter that the voter may cast a provisional ballot;
2. The voter may cast a provisional ballot if the voter executes a written affirmation before the poll worker that the voter is a registered voter at that place and is eligible to vote in that election;

3. The poll worker provides written information to the voter that the voter can find out whether the vote was counted by accessing a toll-free telephone number, receiving a postage-paid mailer, or internet website and, if not counted, the reason the availability of which information is limited to the voter;
4. The provisional ballot and the affirmation are then transmitted to the election commission for determination of the eligibility of the voter;
5. The election commission makes its determination and transmits information regarding the provisional ballot to The Secretary of State's office.

***How the State will use the requirements payments to meet the requirements of Title III relating to provisional voting.***

Act 994 of 2003 implements these requirements. Arkansas will use requirements payments to provide information and training to local election officials regarding this change and to establish a confidential free access system using either a toll-free telephone number, the internet, postage-paid mailer or all of the above, depending on funds available.

***III. VOTING INFORMATION***

On Election Day, the following information must be posted at each polling site:

1. Sample ballots for that polling place;
2. The date and hours the polls will be open;
3. Instructions on how to vote, including how to cast a provisional ballot;
4. Instructions for first time voters who registered by mail;
5. General information on voting rights under applicable federal and state law, including information about provisional ballots and how to contact an appropriate official if a voters rights are alleged to have been violated;
6. General information on voter fraud laws.

***How the State will use the requirements payments to meet the requirements of Title III relating to voting information.***

Act 995 of 2003 provides for implementation of this requirement. The State will provide information and training to voters and election officials regarding the information to be posted at the polling sites. The State may provide posters with the information required in items 5 and 6 above, depending upon the availability of funds.

#### IV. STATEWIDE VOTER REGISTRATION LIST

The Secretary of State currently maintains a statewide voter registration list. HAVA requires certain characteristics and procedures regarding such a list that will result in substantial changes in the way the state maintains and operates the list.

Arkansas is ahead of many states, in that all the counties utilize the same voter registration software. However, the process by which the sharing of this information via the Internet between the counties, The Secretary of State's office and the Department of Motor Vehicles lacks many of the features required under HAVA.

Currently, The Secretary of State's office retains a copy of the voter registration database for every county. The original voter registration database is housed and maintained at each individual county. The Secretary of State's office retrieves data from the counties and updates it's file each weekend. The current system of file transfers is achieved through a 56kbs phone line connection. This system is extremely slow and requires constant maintenance and supervision. Manual intervention is often necessary to intervene in the electronic transmission of data to achieve a successful transfer of this information. The Secretary of State's Office utilizes 16 phone lines for connections with the counties and of course, the phone bills are quite costly for this process.

The Department of Motor Vehicles (DMV) transfers a file to Department of Information Services (DIS) containing voter registrations each evening. The Secretary of State's office then retrieves the file from DIS, sorts it by county and transfers the information to the appropriate counties. This process is also very difficult to manage and maintain the integrity of the transmissions due to network connectivity problems. In order to ensure complete reception of voter registrations via this method, the use of a manual record is used as a backup system. This requires the DMV to send The Secretary of State's office a daily log of registrations. The log is mailed to each county on a weekly basis.

HAVA requires that The Secretary of State's office "implement, in a uniform and nondiscriminatory manner, a *single*, uniform, official, centralized, interactive, computerized statewide voter registration list, defined, maintained and administered *at the State level*." (emphasis supplied) The list must contain the name of every registered voter and a "unique identifier" for each voter. In effect, every voter will have a unique number.

Presumably, for new voters, that "unique identifier" will be either their drivers' license number or the last four digits of their social security number (or, if they have neither of those, a random number assigned by the state). This is because each new voter will be required to list their driver's license number or, if they do not have a driver's license, the last four digits of their social security number on their application for registration. If new registrants have neither, a number will be assigned.

HAVA stresses that:

1. The statewide list “shall serve as the *single system* for storing and managing the *official* list of registered voters throughout the state.” (emphasis supplied);
2. The statewide list must be coordinated with other agency databases within the state;
3. Any election official must have immediate electronic access to the list;
4. Registration information obtained by local officials must be electronically entered into the computerized list on an expedited basis, and The Secretary of State’s office must provide support for this.

Under these new requirements, the Voter Registration List will now be centralized at The Secretary of State’s office. The counties will continue to function in the same capacity; however, they will be logged into the Internet and have access to one large database containing all 75 counties, rather than being able to only view their own county’s data. This new configuration will provide a faster and more dependable connection to the new centralized database. In addition, it will allow the Arkansas County Clerks access to the entire statewide file to check for duplicate registrants. The new system will allow access to the system using any computer, provided the user has an account and a password.

HAVA requires that list maintenance – the addition and removal of names from the list - must be performed in accordance with existing federal laws, and such procedures must ensure the names of all eligible voters appear on the list; only voters that are not eligible to vote are removed from the list. Duplicate names are also eliminated from the list. Information regarding deceased registrants will be obtained from the Department of Health and an additional connection with the Arkansas Crime Information Center will also be utilized to obtain information regarding persons convicted of a felony from which that person has not been pardoned or discharged. HAVA also requires that The Secretary of State’s office and county clerks provide security for the system.

Additionally, The Secretary of State’s office must enter into an agreement with the Department of Motor Vehicles (DMV) to match information in the statewide list to the DMV information. The transmission of data with the new system will be transferred from the DMV to The Secretary of State’s office and the counties will then have the ability to search and download their respective county’s DMV transmission whenever they prefer. This should alleviate many of the problems the Secretary of State’s office has incurred in having to “drop” the information into the county file. It further requires that the DMV enter into an agreement with the Social Security Administration to help with the match of those numbers.

***How the State will use the requirements payments to meet the requirements of Title III relating to the statewide voter registration list.***

Act 995 of 2003 implements the requirements of the new uniform, centralized statewide voter registration system as defined by HAVA. The State will both extend and revise the current software and hardware contract agreements to implement these changes, or enter into a new agreement with a voter registration system provider to affect the necessary changes noted above.

***V. FIRST TIME VOTERS WHO REGISTER BY MAIL***

A large percentage of Arkansas voters register to vote by mail. HAVA requires an individual who is voting in person at a polling site for the first time after registering by mail to present a photo id or other, specified identification. If a first-time voter casts an absentee ballot by mail for the first time, the voter must include a copy of such identification with the absentee ballot application. A voter who fails to provide such identification may vote a provisional ballot.

A voter is exempt from the identification requirement stated above if the voter provided a copy of the identification with the voter's registration application, or if the voter listed on the application the voter's drivers license number or last four digits of the voter's Social Security number.

County Clerks must be prepared to accept and retain copies of the voter's identification papers or applicable numbers beginning January 1, 2003.

***How the State will use the requirements payments to meet the requirements of Title III relating to first time voters who register by mail.***

Acts 994 and 995 of 2003 implement this HAVA requirement. Arkansas will use requirements payments to provide information and training to voters and election officials regarding this requirement.

***VI. VOTER REGISTRATION FORM***

HAVA requires that by January 1, 2004, the voter registration form for those voters who register by mail shall include the following:

1. The question, "Are you a citizen of the United States of America?";
2. The question, "Will you be 18 years of age on or before Election Day?";



3. A statement that if the individual is submitting the form by mail and is registering for the first time, the identification requirements set out above must be submitted with the application in order to avoid additional identification requirements upon voting the first time.

HAVA also requires the county clerk to notify the applicant if any of this information is omitted and allow the applicant time to complete the application in a timely manner.

***How the State will use the requirements payments to meet the requirements of Title III relating to the voter registration form.***

Act 995 of 2003 implements this HAVA requirement. Arkansas will use requirements payments to provide information and training to voters and election officials regarding this requirement, and, if funds are available, to print new forms.

## **Distribution & Monitoring of Requirements Payments**

*(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph 1, including a description of –*

- (A) The criteria to be used to determine the eligibility of such units or entities for receiving the payment;*
- (B) The methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph 8.*

If sufficient funds are appropriated to allow the purchase of a uniform voting system, and if legislation is enacted to require the counties to use such a system, the State will use its purchasing power to enter into a contract with a vendor (or vendors) to purchase the equipment necessary to implement a system. The counties will then purchase the equipment through the State contract with requirement payment funds and any state and/or local funds available.

If it is determined that sufficient funds are not available, or if there is no legislation passed by the Arkansas General Assembly to implement a uniform system, then the State, through The Secretary of State's office, will implement a program to purchase other types of voting equipment, or provide voter education, as described in paragraph 1 so as to comply with the requirements of Title III.

The counties' access to requirements payments funding would be by grant application based on one, some or all of the following factors:

1. The amount of federal funds available;
2. The amount of state funds appropriated for such purchases
3. The number of ballot styles;
4. The number of registered voters;
5. Voter turnout;
6. The number of polling places;
7. And/or other demographic and geographic factors that provide a reasonable representation of need.

Other factors may also be considered. The exact formula for distribution cannot be known until the total amount of federal funding is determined. The Secretary of State will compile data and present a recommended funding formula to the committee as soon as possible after the relevant facts are known.

If sufficient funds are available, The Secretary of State's office may also implement a grant program to assist the counties in election official training, voter education, election day posting and other activities related to Title III compliance. If any funds are available

after compliance is assured, The Secretary of State's office will invest in Geographical Information Systems (GIS) programs and other programs to improve the administration of elections in the various counties.

Requirements payments are paid into the election fund and the funds therein are appropriated to The Secretary of State's office. The Division of Legislative Audit ([www.legaudit.state.ar.us](http://www.legaudit.state.ar.us)) audits the expenditure of funds appropriated by the State and will audit expenditures made by the counties with respect to any grants to the counties of requirement payments. The Secretary of State's office will also employ four election coordinators whose responsibilities will include the monitoring of these expenditures. Each election coordinator will monitor and assist the counties of each of the state's four congressional districts. The Secretary of State's office will make periodic reports to this committee regarding local expenditures of requirements payments.

The accounting software utilized by The Secretary of State's office allows for tracking and monitoring of program expenses incurred by the State under HAVA. The Secretary of State's office shall provide these accounting records for audit purposes.

### **Voter Education and Training**

*(3) How the State will provide for programs for voter education, election official education, and poll worker training which will assist the State in meeting the requirements of Title III.*

The Secretary of State's Office, in the past, has published several voter education guides and produced a video/symposium called Talkback...Vote. Currently, all voter registration materials are being updated and new voter education and outreach programs are being developed. These new programs are targeted toward the following stakeholders:

- A. All Arkansas citizens;
- B. Arkansas citizens who are registered to vote;
- C. Arkansas citizens who are or will become eligible to vote;
- D. First time voters.

The Secretary of State's office is designing bilingual informational materials to be utilized in voting seminars, by public and private organizations, in high school and college symposiums and that will also be available on The Secretary of State's website. This information will include the following:

- A. Voting Instructions (bilingual)
  - 1) How to register to vote;
  - 2) How to vote;
  - 3) How to use the new voting equipment;
  - 4) How a provisional ballot may be cast and confirmed;
  - 5) Polling site locations;
  - 6) Voting Rights.
- B. Interactive Website

- 1) Polling Site lookup;
  - 2) Registration verification;
  - 3) Election Official and Poll Worker Training via PowerPoint presentation.
- C. Public Service Announcements.
- D. Participation in the National Student/Parent Mock Election Program. Arkansas has participated in this event since 1996 and will continue to enhance this program. This event is scheduled for October 2004.

The Secretary of State's office will update its publications and programs to provide information relevant to the requirements of HAVA.

The State Board of Election Commissioners office provides election and poll worker training as mandated in Arkansas Code Annotated 7-4-107(b)(1)(b). Each county election commission must designate one poll worker per polling site who has attended training coordinated by the State Board. *See Arkansas Code Annotated 7-4-109(f)(1).*

Election official training programs will be enhanced by the addition of the four election coordinators and other personnel in the Secretary of State's office who will assist the State Board in broadening its educational program and increase the use of all forms of media to educate and inform the citizens of Arkansas.

## **Voting System Requirements**

- E. How the State will adopt voting system guidelines and processes, which are consistent with the requirements of section 301.*

Title III compliant DRE's or other such accessible units will be purchased and deployed to each polling site to ensure that there is at least one accessible voting system at each poll. Additionally, The Secretary of State's office will develop a formula to ensure that requirements payment funds will be made available only for the purchase and implementation of election systems that meet Title III requirements. Guidelines will be developed by the State Board of Election Commissioners office in the form of rules and regulations to ensure voting system guidelines and processes that are consistent with the requirements of section 301. Any legislation introduced regarding the implementation of voting systems will include the requirement that the requirements of section 301 be followed. The Secretary of State and State Board of Election Commissioners offices will continue to survey the counties and review polling sites to ensure access. Any legislation that mandates a uniform statewide voting system should define that system as consistent with the voting system guidelines required by HAVA.

The State Board of Election Commissioners office has established procedures for what constitutes a vote on each of the systems currently employed in Arkansas, and will continue to do so for any future system introduced.

## **Establishment of Election Fund**

Section 254

*(a)(5) How the State will establish a fund described in subsection (b) for purposes of administering the State's activities under this part, including information on fund management.*

The Arkansas Secretary of State's office has established an election fund that will track all of the accounting activity pertaining to Public Law 107-252, in accordance with Title IX requirements. The accounting software utilized for budgetary management allows The Secretary of State's office to keep records with respect to the payments and expenditures related to HAVA that are consistent with sound accounting principles. Cost centers within the established fund allow the capability to track accounting activity within specific categories of the election fund, including the production of records which fully disclose the amount and disposition by the recipient of the HAVA funds, the total or partial costs of related projects, and such other records as will facilitate an effective audit.

The Secretary of State's office will manage the election fund and provide accessibility to records for auditing purposes. Both federal and state monies will be deposited into the election fund to satisfy the requirements of Public Law 107-252 with regard to expenditures of federal monies and the 5% state match on those expenses. Expenditures made from any cost center within the election fund shall be used solely for the purposes of implementing the Help America Vote Act. No expenditures may be made without an appropriation, which the state has secured contingent upon receipt of grants and payments specified under the act.

## **Budget**

- (6) *The State's proposed budget for activities under this part, based on the State's best estimates of the cost of such activities and the amount of funds to be made available, including specific information on—*
- The costs of the activities required to be carried out to meet the requirements of title III;*
  - The portion of the requirements payment which will be used to carry out activities to meet such requirements;*
  - The portion of the requirements payment, which will be used to carry out other activities.*

The Help America Vote Act initially authorized \$3.8 billion dollars for implementation of election improvement mandates. The final appropriation for fiscal year 2003 stood at \$667 million below authorization levels. The President's budget for fiscal year 2004 also represents half of the \$1 billion originally authorized. Arkansas, like other states, stands to receive just over half of the Title III requirements payments estimated for 2003.

Given the uncertainty of the budget situation and forthcoming requirements payments over the next three years, the proposed budget for HAVA depends largely on variable factors. For example, the state's goal is to pursue a uniform, electronic voting system for all 75 counties. However, should appropriations continue to fall short of levels authorized under the act, the state may choose to provide a voter education program in lieu of purchasing electronic equipment.

The table below lists funding scenarios for Arkansas under Title III of HAVA.

<i><b>Fiscal Year</b></i>	<i><b>Authorized Versus Appropriated/Proposed</b></i>	<i><b>Arkansas's Share</b></i>
<i><b>2003</b></i>	\$1.5 B vs. \$833 M	\$7.9-\$14.2 M
<i><b>2004</b></i>	\$1 B vs. \$500 M	\$4.7-\$9.5 M
<i><b>2005</b></i>	\$600 M	\$5.7
<i><b>Total</b></i>		\$18.3-\$29.4

The following budget represents a range of funding levels. The first level represents the spending contingent on full funding of HAVA; the second level represents mandated spending, supplemented by state and local government, should HAVA fail to receive 100% of the authorized funding level.

<i>Cost Estimate</i>	<i>Federal Share (Excluding Title I)</i>	<i>State Match</i>	<i>% of Requirements Payments Needed<sup>i</sup></i>
<b>Section 301: Installation of a combination of precinct-count optical scan and DRE voting system solutions or other accessible units per polling site statewide.</b>  <b>Cost: As Much As \$26 Million</b>	\$14,255,056	\$712,752	66%
<b>Section 302: Provisional Voting &amp; Voting Information Requirements</b>	\$20,000	\$1,000	.09%
<b>Section 303: <i>Statewide Voter Registration List—HAVA Compliant with Improved Connectivity for local users and Improved Addressing System</i></b> <b>Cost: \$5M</b>	\$3,671,756	\$183,587	17%
<b>Other Activities:</b> <b>--Training &amp; Education for all poll workers &amp; volunteers.</b> <b>-- Administrative Complaint Procedures</b> <b>--Program Management</b>	\$3,550,000	\$177,500	16%

## **Maintenance of Effort**

Section 254

***(a)(7) How the State, in using the requirements payment, will maintain the expenditures of the state for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the state for the fiscal year ending prior to November 2000.***

Both the State of Arkansas and local jurisdictions bear fiscal responsibility for the administration of elections in the state. Public Law 107-252 designates federal funds for the use of improving the administration of elections, not to supplant activities already budgeted for the administration of elections. The State will continue to fund the administration of elections at an amount not less than the aggregate of those expenditures during the fiscal year 2000.

## **Performance Goals & Measures**

*(8) How the State will adopt performance goals and measures that will be used by the State to determine its success in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the state will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.*

### ***Overview***

HAVA requires the various states to adopt performance goals and measures that will gauge the effectiveness of any programs or policies funded by federal dollars. Election improvement mandates outlined in the Act span an enforcement timeline of three years. In addition to any other reporting required by HAVA with regard to use of federal payments, the state will also provide a complete performance evaluation report during 2006.

### ***Process Used to Develop Performance Measurement Criteria***

The Secretary of State and the Secretary of State's advisory committee, made up of local election officials, will define these performance goals and measures for programs implemented at both state and local levels. Generally, these goals and measures shall be defined to the local election officials charged with administering HAVA programs, and the local election officials shall share responsibility for monitoring and evaluating the success of the elements of the plan in their jurisdictions. The State will partner, if necessary, with research institutions in the state with proven experience in performance evaluation of governmental entities to ensure consistent format and instructions for reporting.

Suggested performance goals and measures outlined within the state plan may be revised to include more specific instruments of measurement as the implementation of HAVA continues in the State.



<b><i>State Plan Element (Performance Goal)</i></b>	<b><i>Implementation Timetable</i></b>	<b><i>Suggested Criteria For Measuring Performance<sup>ii</sup></i></b>	<b><i>Official Responsible</i></b>
<b><i>Replacement of Punch Card &amp; Lever Voting Systems</i></b>	January-March 2005	Number of jurisdictions converting to electronic systems.	Secretary of State & County Election Commissions.
<b><i>Installation of one DRE per polling site for individuals with disabilities</i></b>	January 2005- January 2006	Number of polling sites compliant.	Secretary of State & County Election Commissions.
<b><i>Statewide Voting System compliant with § 301</i></b>	January 1, 2006	Number of jurisdictions compliant. Other factors included in evaluating performance of all voting system elements to include training programs, voter education, tabulation/reporting time, voter satisfaction.	Secretary of State & County Election Commissions.
<b><i>Provisional Voting</i></b>	January 1, 2004	Number of provisional ballots cast and operation of free access system.	Secretary of State & County Election Commissions.
<b><i>Voting Information</i></b>	January 1, 2004	Quality, quantity, effectiveness of information posted.	Secretary of State & County Clerks.
<b><i>Statewide Voter Registration List</i></b>	January 1, 2004 (or January 1, 2006 in event of a waiver).	Conversion from a uniform, locally maintained system to a centralized statewide system shared in 75 jurisdictions. Effectiveness of data-sharing with partnering state agencies and accuracy of data and reports.	Secretary of State & County Clerks.
<b><i>Voter Education &amp; Training</i></b>	Immediate & Ongoing	Success of voter education programs, turnout, number of complaints, surveys.	Secretary of State, County Clerks, and County Election Commissions.
<b><i>Poll Worker Training</i></b>	January 2004- ongoing	Number and type of training programs provided, number of poll workers trained.	Secretary of State and State Board of Election Commissioners
<b><i>Administrative Complaint Process</i></b>	July 15, 2003	Number of complaints received, processed, and resolved.	State Board of Election Commissioners
<b><i>Accessibility of Polling Sites</i></b>	January 1, 2004—January 2006	Number of polling sites ADA compliant, number improved by modification, number out of compliance.	Secretary of State and State Board of Election Commissioners.

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## Administrative Complaint Procedures

Section 254

***(a)(9) A description of the uniform, non-discriminatory state-based administrative complaint procedures in effect under section 402.***

The Arkansas State Board of Election Commissioners is statutorily charged with the review, and if necessary the investigation, of all citizen complaints regarding violations of election and voter registration laws under Arkansas Code 7-4-101. In Act 994 of 2003, the Arkansas General Assembly added the following language requiring the State Board of Election Commissioners to:

*(10)(A) Formulate, adopt, and promulgate all necessary rules and regulations to establish uniform and nondiscriminatory administrative complaint procedures consistent with the requirements of Title IV of the federal Help America Vote Act.*

*(B) The cost of compliance with Title IV of the federal Help America Vote Act shall be paid from the fund established to comply with the federal Help America Vote Act.*

The proposed regulations provide that complaints regarding violations of any of the provisions set forth in Title III of Public Law 107-252 shall be filed with the State Board of Election Commissioners office. Complaints shall be written, notarized, signed and sworn by the person filing the complaint. The Board shall provide a hearing upon request by the complainant, and shall complete its investigation no later than 90 days after the filing of the complaint. If the Board cannot resolve the complaint within 90 days of the filing, the complaint shall be referred to an arbitration panel composed of three persons selected by the Board and the complainant, with the third member selected by the two designated members.

## **Description of Early-Out Payments**

Section 254

***(a)(10) If the state received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.***

The Early-Out payments described in Title I, Section 101 are targeted specifically for election administration improvements and replacement of punch card and lever voting equipment. It is the intent of the Office of the Secretary of State to utilize the fund provided under this section for these two areas of activity.

*Section 101*

Under Title I, Section 101 Arkansas expects to receive \$3,920,108.62 based on the formula presented.

Section 101 designates the allocation of funds for improvement in the overall administration of elections in Arkansas. In general, payments made under this title may be used for any of the following purposes:

- 1) Complying with Title III requirements;
- 2) Improving the administration of elections for federal office;
- 3) Educating voters concerning voting procedures, rights, and technology;
- 4) Training election officials, poll workers, and volunteers;
- 5) Developing the state plan for implementation of Public Law 107-252;
- 6) Improving, acquiring, leasing, modifying, or replacing voting systems consistent with Title III;
- 7) Improving the accessibility and quantity of polling places;
- 8) Establishing a toll-free hotline for voter information.

<b><i>Budget for Section 101 HAVA funds</i></b>		
<b><i>Total Section 101 Available</i></b>	<b>\$3,900,000</b>	
<b><i>Title III Requirements (Voter Registration List)</i></b>	<b>\$1,950,000</b>	<b>50%</b>
<b><i>Voter Education &amp; Training</i></b>	<b>\$585,000</b>	<b>15%</b>
<b><i>R&amp;D for State Plan--Administrative Costs</i></b>	<b>\$292,500</b>	<b>7.5%</b>
<b><i>Voting System Replacement</i></b>	<b>\$975,000</b>	<b>25%</b>
<b><i>Polling Site Accessibility</i></b>	<b>\$97,500</b>	<b>2.5%</b>

Each of the above election administration goals represents a series of activities intended to institute assistance and education for Arkansas's electorate, ensure compliance with voting system technology standards, and improve the state's voter registration list.

#### *Section 102*

Title I, Section 102 targets the replacement of punch card and lever voting machines. In Arkansas, fifteen counties were eligible for payments under Section 102.

<b><i>County</i></b>	<b><i>Type of System</i></b>	<b><i>Maximum Payment</i></b>
<b><i>Arkansas</i></b>	<b>Punch Card</b>	<b>\$64,000</b>
<b><i>Baxter</i></b>	<b>Punch Card</b>	<b>\$164,000</b>
<b><i>Benton</i></b>	<b>Punch Card</b>	<b>\$332,000</b>
<b><i>Hot Spring</i></b>	<b>Punch Card</b>	<b>\$132,000</b>
<b><i>Mississippi</i></b>	<b>Punch Card</b>	<b>\$288,000</b>
<b><i>Saline</i></b>	<b>Punch Card</b>	<b>\$276,000</b>

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<b><i>White</i></b>	<b>Punch Card</b>	<b>\$356,000</b>
<b><i>Boone</i></b>	<b>Lever</b>	<b>\$108,000</b>
<b><i>Desha</i></b>	<b>Lever</b>	<b>\$84,000</b>
<b><i>Faulkner</i></b>	<b>Lever</b>	<b>\$188,000</b>
<b><i>Jefferson</i></b>	<b>Lever</b>	<b>\$804,000</b>
<b><i>Marion</i></b>	<b>Lever</b>	<b>\$64,000</b>
<b><i>Searcy</i></b>	<b>Lever</b>	<b>\$76,000</b>
<b><i>*Columbia</i></b>	<b>Lever</b>	<b>\$72,000</b>
<b><i>*Union</i></b>	<b>Lever</b>	<b>\$212,000</b>
<b><i>Total</i></b>		<b>\$3,220,000</b>

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\*Columbia and Union counties currently employ DRE voting equipment, but used lever machines during the November 2000 General Election. These counties qualify for payment under Section 102 for reimbursement.

In compliance with Section 102, Arkansas will commit to 100% replacement of punch card and lever machine voting systems in the state. Installation of a uniform voting system statewide will begin with full deployment of compliant voting system technology as required by HAVA in the thirteen jurisdictions listed above. The state's contract with a provider of certified voting systems will include a minimum payment equal to Section 102 monies received. Supplemental funding for this phase of implementation is anticipated. These additional monies may be sought from Section 101 funds, Title III requirements payments, the participating jurisdictions, or any combination thereof. These monies will be utilized to implement Phase I of improving, acquiring, and replacing voting systems and technology for casting and counting votes in Arkansas.

The expenditure and the application of Section 101 and Section 102 funds will include the strict adherence to the following laws:

- A. The Voting Rights Act of 1965;
- B. The Voting Accessibility for the Elderly and Handicapped Act;
- C. The Uniformed and Overseas Citizens Absentee Voting Act;
- D. The National Voter Registration Act of 1993;
- E. The Americans with Disabilities Act of 1990;
- F. The Rehabilitation Act of 1973;
- G. The Help America Vote Act of 2002.

### **Ongoing Plan Management**

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*(11) How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change—*

- a. Is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan;*
- b. Is subject to public notice and comment in accordance with section 256 in the same manner as the State plan;*
- c. Takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A).*

The state will provide ongoing management of all elements of the plan. No material changes in the plan shall be made unless the state complies with the requirements listed in subsections a, b, and c above.

### **Yearly Changes in Plan**

*(12) In the case of a State with a State plan in effect under this subtitle during the previous fiscal year, a description of how the plan reflects changes from the State plan for the previous fiscal and of how the State succeeded in carrying out the State plan for such previous fiscal year.*

This is the first year in which the State of Arkansas is submitting an implementation plan for HAVA. Subsequent plans will note any changes in this plan, as well as describe the success of the state in implementation efforts.

### **Description of the Committee**

Section 254

*(a)(13) A description of the committee which participated in the development of the state plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.*

The Secretary of State appointed the Help America Vote Act (HAVA) Strategic Planning Committee in April of 2003. The committee, comprised of the chief election officials from Arkansas's two most populous counties and other stakeholders and citizens, met as required by Public Law 107-252 to provide review and comment on the state plan. Members of the committee and the constituencies represented are as follows:

<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
<b>Leta</b>	<b>Anthony-Carthan</b>	Arkansas Institute On African-American Affairs
<b>Helen</b>	<b>Bradley</b>	Jefferson County Clerk
<b>John Logan</b>	<b>Burrow</b>	Washington Co. Election Commissioner
<b>Carolyn</b>	<b>Cook</b>	Drew County Clerk
<b>Vivian</b>	<b>Flowers</b>	Arkansas Legislative Black Caucus
<b>Jonathan</b>	<b>Greer</b>	Association of Arkansas Counties
<b>Patti</b>	<b>Hill</b>	Crawford County Clerk
<b>Jim</b>	<b>Hudson</b>	DHS Division of Blind Services
<b>Susan</b>	<b>Inman</b>	Pulaski County Election Coordinator
<b>Stephanie</b>	<b>Johnson</b>	League of Women Voters
<b>Willie L.</b>	<b>Jones</b>	Public Member, Mississippi County
<b>Randy</b>	<b>Martin</b>	Public Member, Pulaski County
<b>Donna</b>	<b>Massey</b>	ACORN
<b>Vincent</b>	<b>McKinney</b>	Disability Rights Center
<b>Melinda</b>	<b>Mulford</b>	Boone County Clerk
<b>Mike</b>	<b>Munns</b>	DFA Office of Driver Services
<b>Lucretia</b>	<b>Norris</b>	Office of the Governor
<b>Ron</b>	<b>Oliver</b>	Chairman, Democratic Party of Arkansas
<b>Ann Burton-</b>	<b>Portis</b>	Mississippi County Election Commissioner
<b>Karen</b>	<b>Pritchard</b>	Washington County Clerk
<b>Clint</b>	<b>Reed</b>	Republican Party of Arkansas
<b>Jesus</b>	<b>Sanchez</b>	AFL-CIO & Hispanic Arkansans
<b>Ron</b>	<b>Sheffield</b>	Attorney, Public Member, Pulaski County
<b>Mary Lou</b>	<b>Slinkard</b>	Benton County Clerk
<b>Carolyn</b>	<b>Staley</b>	Pulaski County Clerk
<b>Susie</b>	<b>Stormes</b>	Director, State Board of Election Commissioners
<b>Doris</b>	<b>Tate</b>	Sebastian County Clerk
<b>Janet</b>	<b>Tweedle</b>	Monroe County Clerk
<b>Britt</b>	<b>Williford</b>	Ouachita County Clerk
<b>John C.</b>	<b>Wyvil</b>	Arkansas Rehabilitation Services

<sup>i</sup> Percentage of federal dollars needed represents data based on cost *estimates* for implementing the various HAVA mandates. These estimates assume the 5% state match.

<sup>ii</sup> Performance measures listed in the plan should be considered as examples for shaping the performance measurement process in Arkansas. More specific goals and measures will be defined as the state receives information on variable factors such as funding and participating local jurisdictions.